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Paper No. 15

SYNGENT BIOTECHNOLOGY, INC.
PATENT DEPARTMENT
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RESEARCH TRIANGLE PARK NC 27709-2257

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Eric R. Ward et al
Application No. 09/730,525
Filed: December 5, 2000
Attorney Docket No. PB/5-20757G

This is a decision on the petition, filed by facsimile transmission on September 11, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 15, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The instant petition under 37 CFR 1.313(c)(2), the RCE and the Amendment, filed on September 9, 2003, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mary Kakefua appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he act. However, if Ms. Kakefuda desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Ms. Kakefuda, the petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114.



Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

MARY KAFEFUDA
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